

STATE BAR FEE BILL CLEARS SENATE JUDICIARY COMMITTEE

The Senate Judiciary Committee Tuesday gave 6-0 approval to [AB 1708](#) (Assm. Judiciary Committee), the bill which would extend for another year the Bar's authority to collecting its operating fees from the state's lawyers. The bill, presented by committee chair [Ellen Corbett](#) (D-San Leandro), now goes to the Senate Floor.

In addition to keeping the State Bar functioning, the bill would enhance the organization's ability to recoup disciplinary costs from the attorneys it prosecutes and obtain reimbursement for awards paid from the Client Security Fund as a result of their misdeeds. The bill also was amended in the Senate to partially correct a mistake in the original statutory language relating to fee scaling. The provision was added in 1999 to permit low-income attorneys to pay reduced fees, but a drafting glitch had made the reduction available to high-income attorneys and arbitrators who claimed that little of their income was attributable to the practice of law. The amendments do not do away with this distinction entirely, but do reduce the amount of fee reduction available.

A further amendment to the bill taken in committee would require the Bar to report back to the Legislature by January 1, 2005, on the status of its regulatory and disciplinary efforts concerning alleged abuses by private actions brought on behalf of the general public under the state's Unfair Competition Law (B&P Code §17200 *et seq.*).

§17200 BILLS MOVE ON

The two-bill package of bills to reform the state's Unfair Competition Law moved forward this week. [SB 122](#) by Senate Judiciary Committee chair [Martha Escutia](#) (D-Whittier) was approved by the Assembly Judiciary Committee Tuesday morning. That same afternoon, Assembly Judiciary Committee Chair [Ellen Corbett's AB 95](#) was approved by Escutia's Senate committee. The bills are supported by the Consumer Attorneys of California and several consumer organizations, but strongly opposed by business interests.

WORKERS' COMP LEGISLATION

In a dramatic but expected move, the Legislature's two committees with primary jurisdiction over workers' compensation issues acted in concert on Wednesday in an attempt to address the growing

crisis in the workers' compensation arena. The two committees – Senate Labor and Industrial Relations and Assembly Insurance – sent 10 bills each to what will become a special conference committee on workers' compensation. This joint action effectively lays the ground work for what could turn out to be the most significant workers' compensation reform in years.

The creation of the conference committee was set in motion with the agreement of Senate and Assembly leaders, the chairs of the two aforementioned committees, and the authors of all the workers' compensation bills introduced this year that had advanced to the second house. The agreement calls for a conference committee to ensure the development of a cohesive and carefully crafted package of workers' compensation reform measures.

Prior to being sent to conference committee each of the 20 bills was "gutted and amended" – i.e., stripped of their respective contents and filled instead with legislative intent language. The language acknowledges the need "to improve the workers' compensation system by promoting the efficient delivery of high quality appropriate medical care." Thus each bill is identical, except for author and bill number.

RECALL UPDATE

The recall campaign against Governor Gray Davis continues to be a hot topic inside the Capitol. On Monday (July 7) backers of the recall, "Rescue California," announced that they have ended their signature drive and claimed that they had gathered more than enough signatures to force California's first statewide recall election.

If a sufficient number of signatures are deemed to be valid, either a special recall election will be held in October or November 2003 (if the signatures are validated by September 3), or consolidated with the scheduled presidential primary election in March 2004. Recall supporters (mostly Republicans) want the election to be in the fall when it would be the only issue on the ballot and voter turnout is expected to be low. Opponents (mostly Democrats) would prefer to see the election in March when more issues would be on the ballot and turnout is expected to be higher. A recent Los Angeles Times poll showed Governor Davis getting a favorable approval rating of only 21%, and 51% of those polled said they would cast ballots to unseat him if a recall election were held now.